# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## SPECIAL CIVIL APPLICATION No. 6621 of 1993
**With**
**SPECIAL CIVIL APPLICATION No. 6622 of 1993**
**To**
## SPECIAL CIVIL APPLICATION No. 6624 of 1993

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE S.R.BRAHMBHATT**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**JAMNABEN D SOLANKI - Petitioners**
**Versus**
**STATE OF GUJARAT & 2 - Respondents**

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**Appearance :**
MR AJ SHASTRI for Petitioner: 1,
MR HIREN MODI AGP for Respondent : 1,
MR JB SHAH for Respondent : 2,
DS AFF.NOT FILED (N) for Respondent : 3,

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**CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT**

**Date : 25/07/2007**

**COMMON ORAL JUDGMENT**

1. Shri Shastri, learned counsel appearing for the petitioners submit that the petitioners were originally appointed as part time Peons on the basis of the Resolution of Finance Department, State of Gujarat permitting such appointments of the petitioners from 1989-1992 as mentioned in the petition. Their services were abruptly terminated by the concerned respondents on account of economy measure promulgated under the directions of Director of Education. The petitioners moved this Court and this Court has granted interim relief way back in the year 1993, whereunder they continued till today. The petitioners are drawing meager amount running from Rs.600 to 1000/- per month for rendering part time services for four to six hours and therefore, they prayed for regularization if there is a vacancy and continuation of the service. Shri Shastri has submitted that by now each of the petitioner in these petitions have put in more than 18 to 20 years of services, ofcourse under the protection of this Court, however, the nature of work indicates that they deserve to be regularized and/or in the alternatively, at least continued, which is not really going to adversely affect the public exchequer. He submits that the petitioners are therefore, desirous of making detail representation to the respective T.D.Os for regularization, absorption and continuation and till then their services may not be terminated. Shri Shastri, learned counsel appearing for the petitioners submitted that this Court has time and again passed such type of orders and has

placed reliance on the order passed by this Court (Coram : H.K.Rathod, J.) dated 6.2.2007 passed in Special Civil Application No. 3419 of 2007 and 3420 of 2007.

2. Shri Modi, learned AGP for respondent No. 1 submitted that this termination is in consonance with policy of Economy measure and therefore, petitions deserve to be dismissed.

3. The request of Shri Shastri appears to be reasonable especially in view of the fact that these petitioners were initially appointed under the guidelines and policy of the State of engaging part time employees. At the relevant time, part time employees of such nature were permitted to be employed. The fact remains that petitioners, in fact, have been protected and under the Court's order, they have been continued for all these years but in case the work is available and if their continuation or regularization is not contrary to any existing policy, then, the respondents may consider their representation in accordance with the existing policy and Rules. In order not to disturb the equity, it is appropriate that the respondents be directed not to terminate the services till the representation is decided.

4. If the petitioners are desirous of making representation, the same shall be made within one month from today and the respective T.D.Os are directed to decide the representations, if made, by the petitioners in accordance with existing policy and law and till the representation is decided, the status-quo as on date be maintained.

5. In view of aforesaid directions, Shri Shastri, learned counsel appearing for the petitioners seeks permission to withdraw these petition. The permission as sought for is granted. The petitioners are dismissed as withdrawn. Rule is discharged in each matter. Interim relief stands vacated. There shall be no order as to costs. The petitioners are at liberty to approach this Court again in case any adverse is passed by the authority.

6. Registry is directed to place the copy of this order in each matter.

(S.R.BRAHMBHATT, J.)

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